

## Vitellaro, Chandra

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**From:** GRUNOW Greg <GRUNOW.Greg@deq.state.or.us>  
**Sent:** Thursday, February 11, 2016 11:07 AM  
**To:** McClintock, Katie  
**Subject:** FW: Chromium Information Needed  
**Attachments:** ConfBusInfoExemptionProcedures.docx

And one last FYI...

This morning I sent Bullseye this e-mail requesting the Cr related info that I verbally requested last night. I asked that they provide it by the end of the day. Eric notified me a little while ago that he's working on it. I'll send you their response when I get it.

Greg

Greg Grunow  
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**From:** GRUNOW Greg  
**Sent:** Thursday, February 11, 2016 9:56 AM  
**To:** Eric Durrin (ericdurrin@bullseyeglass.com)  
**Cc:** MONRO David; ARMITAGE Sarah  
**Subject:** Chromium Information Needed

Good morning Eric,

As I mentioned when we met yesterday, DEQ needs information related to Bullseye's chromium usage in its products. In this information request I'm focusing on Cr+6. Please provide DEQ with the following information:

- The facility's glass production data for 10/06/2015 and 10/24/2015
- identify type and quantity of each product manufactured
- provide recipes and quantities of the raw materials used
- identify each Cr+3 and Cr+6 containing product and the respective quantity of Cr+3 and Cr+6 used for each day
- Please summarize the following information regarding the facility's Cr+6 usage:
  - quantity of Cr+6 used per year
  - approximate number of product batches run per year containing Cr+6
  - quantity (expressed as a range) of Cr+6 used per batch

- Please summarize the following information regarding the facility's Cr+3 usage:
- quantity of Cr+3 used per year

DEQ has broad authority to request any and all information that it requires for the purpose of regulating stationary sources. This includes confidential business information. If you would like to request that portions of the information I've requested above be held confidential (exempt from public disclosure) it will be necessary to follow the procedure below. Also inserted below is a MSWord document that provides a more detailed explanation of this process. Please note that Oregon law and the federal Clean Air Act have broad public disclosure requirements and narrow exemptions concerning this treatment, so DEQ may be unable to honor your request should it relate to "emissions data." Oregon law requires that information deemed to be "emission data," including trade secrets, must be disclosed to the public.

#### **Oregon Administrative Rule 340-214-0130**

##### **Information Exempt from Disclosure**

- (1) Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to DEQ is subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to section (2) or (3).
- (2) If an owner or operator claims that any writing, as that term is defined in ORS 192.410, is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator must comply with the following procedures:
  - (a) The writing must be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page must be so marked.
  - (b) The owner or operator must state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.
  - (c) For writings that contain both exempt and non-exempt material, the proposed exempt material must be clearly distinguishable from the non-exempt material. If possible, the exempt material must be arranged so that it is placed on separate pages from the non-exempt material.
- (3) For a writing to be considered exempt from disclosure as a "trade secret," it must meet all of the following criteria:
  - (a) The information cannot be patented;
  - (b) It must be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;
  - (c) It must be information that derives actual or potential economic value from not being disclosed to other persons;
  - (d) It must give its users the chance to obtain a business advantage over competitors not having the information; and
  - (e) It must not be emissions data.

I'd like to note to you that this information request is of high importance and DEQ would like this information as soon as possible. Please contact me and let me know if you will not be able to provide the information by close of business today. I will be out of the office tomorrow, so David Monro should be contacted in my absence. He may be contacted at: 503-229-5160 or [monro.david@deq.state.or.us](mailto:monro.david@deq.state.or.us).

Eric, thank you very much for all your help and efforts in this matter.

Regards,  
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 ODEQ Northwest Region  
 503-229-5690  
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